

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>DAVID MIMS and DONNA MIMS,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	<b>Case No. 1:12-CV-00244-VEH</b>
<b>v.</b>	)	
	)	
<b>WAL-MART STORES, INC.; et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**STATUS REPORT REGARDING FINALIZATION OF  
THE SETTLEMENT IN PRINCIPLE**

In accordance with this Honorable Court's May 28, 2013 Order staying this action, the parties hereby filed this status report showing why the stay in this case should not be lifted at this time.

This case involves allegations that a portable plastic gasoline container manufactured by Blitz U.S.A., Inc. and sold by Wal-Mart was defective and unreasonably dangerous. Blitz U.S.A., Inc. filed for bankruptcy in Delaware in November 2011. See In re: Blitz U.S.A., Inc., et. al., U.S. Bankruptcy Court for the District of Delaware, Case No. 11-13-603 (PJW).

The creditors' committee in the Blitz U.S.A., Inc. bankruptcy along with Blitz U.S.A., Inc.'s insurers and Wal-Mart have entered into a settlement that if approved will resolve the claims at issue in this case. A motion was filed in the bankruptcy court on July 24, 2013 requesting preliminary approval of the

settlement so that the notice and proof of claim procedure may begin with respect to the settlement and Chapter 11 plan. The motion was heard on August 14, 2013, and the bankruptcy court has entered orders granting preliminary approval of the settlement and setting an October 14, 2013 bar date for the proof of claim procedure.

The Parties respectfully request that this case remained stayed until after the settlement is approved and releases are signed in the Blitz bankruptcy. The Plaintiffs anticipate filing a stipulation of dismissal with prejudice of this action after the settlement is finalized in the bankruptcy.

The undersigned counsel for Wal-Mart and Plaintiffs are generally aware that this case and others are the subject of a global settlement proposal in the bankruptcy court, but are relying upon the creditors' committee for the information provided herein.

This the 30<sup>th</sup> day of August, 2013.

Respectfully submitted,

/s/ Stacey L. Strain

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/s/ Glenda G. Cochran

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Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I, Stacey L. Strain, as attorney for Defendant Wal-Mart Stores, Inc. do hereby certify that I have this day served a true and correct copy of the above and foregoing by ECF filing upon:

Glenda G. Cochran

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Attorney for Plaintiffs

This the 30<sup>th</sup> day of August, 2013.

/s/ Stacey L. Strain

STACEY L. STRAIN